

Chapter 5

MAINTENANCE ADOPTION SUBSIDY

5-1. Purpose of Adoption Assistance.

a. The purpose of adoption assistance is to facilitate adoption of children with special needs. The law requires efforts to be made to place the child without adoption assistance, except when doing so is not in the child's best interest. If a child is eligible for adoption assistance, the following types of benefits may be available:

(1) Monthly adoption subsidy payments negotiated and paid to an adoptive parent to assist a child with special needs.

(2) Medical assistance, which is provided through Medicaid.

(3) Reimbursement of non-recurring expenses related to the adoption of an eligible child.

b. Such benefits can provide families otherwise unable to adopt a child with special needs with assistance that will facilitate the adoption and provide the child a permanent home.

c. The funding source for adoption subsidy comes from Title IV-E, TANF, and state (e.g., general revenue, trust funds, etc.) funds. This chapter describes the eligibility requirements for each fund source.

5-2. Adoption Incentive Program.

a. Section 473A of the Social Security Act provides a description of the adoption incentive program. A state is eligible for an adoption incentive award if the number of foster child adoptions during a fiscal year exceeds the number of foster child adoptions that occurred during the baseline fiscal year.

(1) As of 2013, the baseline year is 2007. If a state meets the first criteria, the amount of the award is calculated as stated below:

(a) \$4,000 multiplied by the number of foster child adoptions in the State during the fiscal year which exceeded the number of foster child adoptions in the baseline fiscal year;

(b) \$8,000 multiplied by the number of foster child adoptions of children age 9 or older during the fiscal year which exceeded the number of foster child adoptions of children age 9 or older in the baseline fiscal year; and,

(c) \$4,000 multiplied by the number of special needs children who were adopted and under age 9 during the fiscal year which exceeded the number of special needs children who were adopted and under age 9 in the baseline fiscal year of 2007.

(2) Awards are pro-rated if insufficient funds are available to make the full awards.

(3) In addition, if funds remain available after making the above awards, a state is eligible to earn an additional incentive award by exceeding the highest ever foster child adoption rate in the state between FY 2002 and the immediately preceding fiscal year. The incentive is calculated by multiplying the state's highest ever foster child adoption rate times the number of children in foster care on the last day of the preceding fiscal year and subtracting that number from the number of foster child

adoptions in the state in that fiscal year. That number is rounded to the nearest whole number and then multiplied by \$1,000.

(4) There are no matching requirements for these funds. Payments to a state in a fiscal year shall remain available for use by the state through the end of the succeeding fiscal year.

b. States must identify in the Child and Family Services Plan (CFSP) and Annual Progress and Services Report (APSR) (due June 30 of each year) the services they have provided to children and families as a result of the expenditure of adoption incentive payments. Should more than one fiscal year's incentive funds be expended during a given reporting period, the report should reflect the services provided and identify the fiscal year's funds expended. Actual expenditures of incentive funds must be reported annually on Form SF-269, Financial Status Report. Performance monitoring is not applicable.

5-3. Adoption Assistance Agreement.

a. The Adoption Assistance Agreement (AAA) form should be signed by all parties prior to the placement date. No subsidy payment can be made until all parties have signed the subsidy agreement form. The Adoption Subsidy Agreement Information page in FSFN captures information necessary to create or modify the AAA. The adoption case manager will launch the AAA in FSFN once the Adoption Subsidy Agreement Information page is saved with the necessary information. If the adoptive parents decide to not request a subsidy, the adoption case manager has the adoptive parents sign a statement stating that they were informed about the availability of subsidy but decided to not request the subsidy. Fully executed AAAs shall be uploaded into FSFN under the Image Category of Adoption and Image Type of Adoption Assistance Agreement in the out-of-home and post-adoption cases.

b. The process for requesting an increase to the negotiated subsidy must also be explained by the adoption case manager. A written request for an increase in subsidy may be made when the needs of the child have increased or the circumstances of the family have changed in order to meet the child's needs.

c. Under no circumstances can the amount of subsidy be greater than the family foster care board rate that would be paid if the child was in a family foster home setting at the time of the request for an increase in subsidy. A group home or residential facility rate cannot be used for negotiation purposes and to determine the amount of subsidy. It is also critical that the needed services are identified as a part of the negotiation process in order to assess what services will be covered by Medicaid or the family's insurance and what needed services will not be covered by any insurance or community resource.

d. Termination of the AAA and payment coincides with program criteria outlined in Rule [65C-16.013](#), F.A.C.

5-4. Title IV-E Maintenance Adoption Subsidy.

a. Title IV-E maintenance adoption subsidy is available to any special needs child who meets the eligibility requirements provided in section 473 of the Social Security Act (the Act). The Department/CBC will provide adoption assistance to every child it determines is eligible, unless the prospective adoptive parent(s) decline such assistance. Further, the Department/CBC is prohibited from imposing additional eligibility requirements not contained in federal law.

b. The intent of Title IV-E maintenance adoption subsidy (MAS) is to promote the adoption of special needs children from the foster care system. The maintenance adoption assistance program financially assists adoptive parents in maintaining their same standard of living, especially foster parents and relatives who developed an emotional attachment with children placed in their homes.

c. Determination of eligibility for adoption assistance and administration of benefits are the responsibility of the Department/CBC, regardless of whether the child is committed to the Department or to a private child-placing agency for the purpose of adoption. Private agencies depend on the CBC to determine eligibility and provide adoption assistance benefits to children who are relinquished to the custody of private agencies.

d. The adoption staff is responsible for obtaining and documenting the information necessary to determine the eligibility of foster children for maintenance adoption subsidy in FSFN. The revenue maximization staff is responsible for determining if a child's eligibility for the maintenance adoption assistance program is Title IV-E, TANF, or state funded. All eligibility must be documented and conducted in FSFN.

e. Special needs children in the custody of private agencies and children adopted through an independent adoption may also be eligible for Title IV-E adoption assistance and Medicaid. The Title IV-E eligibility requirements described below must be met in order to be eligible for Title IV-E maintenance adoption subsidy.

5-5. Eligibility for Title IV-E Maintenance Adoption Subsidy.

a. Every adoptive family must be informed about the availability of adoption subsidy and the purpose for which it is intended. The adoption case manager must ask all potential adoptive parents if they will adopt without subsidy and document this discussion in FSFN and/or in the adoption home study.

b. Maintenance adoption subsidy payments to the adopting parent(s) and Medicaid benefits for the child become available at the point that the AAA is signed and the child is placed in the adoptive home.

c. Each child must meet the following three requirements for maintenance adoption subsidy:

(1) The child must have been permanently committed to the Department or a licensed child-placing agency. A child who is voluntarily relinquished to an attorney may be eligible if the child is determined to meet one of the primary factors for special needs and was determined eligible for SSI prior to finalization or received maintenance adoption subsidy in an initial adoption and this is a subsequent adoption.

(2) The child has one or more factors: is 8 years of age or older, is of black or racially mixed heritage (at least one parent is black), is a member of a sibling group being placed together for adoption, has a physical or mental health concern, has a documented developmental delay, or is at risk of a medically diagnosed condition.

(3) With the exception of foster parent and relative caregiver adoptions, there must be documentation of a reasonable but unsuccessful effort to place the child without subsidy.

d. The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P. L. 110-351) removed the AFDC criteria from Title IV-E adoption assistance eligibility requirements. This law provides a nine-year transition period during which a child is treated as (1) "an Applicable Child" or (2) a "Not Applicable Child." Eligibility requirements for each of these pathways are discussed below. The date the AAA is entered into is a critical event for determining which path to use for the child's eligibility.

Things to Remember

A child having a significant emotional attachment to their foster parent cannot be used as a special needs factor for Title IV-E (federal) Funding.

5-6. Eligibility for Title IV-E Applicable Child.

a. An Applicable Child is a child who:

- (1) Meets the applicable age for the federal fiscal year (see Table 5-1 below); or,
- (2) Has been in foster care for at least 60 consecutive months; or,
- (3) Is a sibling to an eligible Applicable Child if both are to have the same adoption placement.

Table 5-1: Applicable Age by Federal Fiscal Year

Federal Fiscal Year	The applicable age is:	Federal Fiscal Year	The applicable age is:
10/01/2009 – 09/30/2010	16	10/01/2010 – 09/30/2011	14
10/01/2011 – 09/30/2012	12	10/01/2012 – 09/30/2013	10
10/01/2013 – 09/30/2014	8	10/01/2014 – 09/30/2015	6
10/01/2015 – 09/30/2016	4	10/01/2016 – 09/30/2017	2
10/01/2017 – 12/31/2017	any age	01/01/2018 – 06/30/2024	2
07/01/2024 – or thereafter	any age		

b. The Applicable Child eligibility requirements must meet the following requirements:

(1) “Special Needs.” The Applicable Child must meet the requirements of ALL THREE PARTS of the definition.

(a) Part 1 of Special Needs Definition for Applicable Child. The child cannot or should not be returned to the home of his parents. This determination is based on evidence by:

- 1. An order from a court of competent jurisdiction that terminates parental rights; or,
- 2. The existence of a petition to the court for a termination of parental rights (TPR); or,
- 3. A signed relinquishment by the parent(s); or,
- 4. If a child can be adopted in accordance with Tribal law without a TPR or relinquishment, the requirement criteria will be met.

(b) Part 2 of Special Needs Definition for Applicable Child. There is a specific factor or condition which makes it reasonable to conclude that the child cannot be placed with adoptive parent(s) without providing adoption assistance under Title IV-E and medical assistance under Title XIX. The specific factors or conditions include a child who meets the requirements of 1. OR 2. below:

- 1. The child meets all the medical or disability requirements for SSI. If a child meets all the medical or disability requirements for SSI, the criteria for the factor or condition of the special needs determination will be met.

2. If a child does not meet all the medical or disability requirements for SSI, the criteria for the factor or condition of the special needs determination will be met if the child meets one the following requirements:

- a. Is 8 years of age or older; or,
- b. Is developmentally delayed; or,
- c. Has a physical, mental or emotional disability; or,
- d. Is of black or racially mixed parentage (at least one parent is black); or,
- e. Is a member of a sibling group of any age, provided two or more members are placed together for adoption; or,
- f. Is at risk of a medically diagnosed condition.

(c) Part 3 of Special Needs Definition for Applicable Child. A reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption or Medicaid assistance. The only exception to this requirement is where it would be against the best interests of the child because of the existence of significant emotional ties with prospective adoptive parents while in the care of the parents as a foster child or relative placement.

(2) The Applicable Child with special needs must MEET ONE of the four eligibility requirements described in paragraphs (a), (b), (c), or (d) below at the time of the initiation of adoption proceedings:

(a) The Applicable Child was in the care of a public or licensed private child-placing agency or Indian tribal organization pursuant to a judicial removal or a voluntary placement agreement. The Department/CBC must determine that the Applicable Child was in the care of a public or licensed private child-placing agency or Indian tribal organization pursuant to:

1. An involuntary removal in accordance with a judicial determination to the effect that it was contrary to the welfare (CTW) of the child to remain in the home; or,

2. A voluntary placement agreement or voluntary relinquishment. For an Applicable Child who is in placement due to a voluntary placement agreement, a Title IV-E foster care payment does not have to be made.

NOTE: For permanent guardianship cases reinstated for the sole purpose of adoption by the permanent guardian, this determination is made in regard to the removal episode which resulted in permanent guardianship.

(b) The Applicable Child meets all medical and disability requirements of SSI. The Department/CBC must determine if the Applicable Child meets all medical and disability requirements of Title XVI with respect to eligibility for SSI benefits. An Applicable Child does not have to meet the needs-based requirements for SSI.

(c) The Applicable Child is the child of a minor parent. The Department/CBC must determine whether the minor parent's child was residing in a foster family home or child caring institution with his or her minor parent and the minor parent was removed from home pursuant to either:

1. An involuntary removal in accordance with a judicial determination to the effect that it was CTW of the child to remain in the home; or,
2. A voluntary placement agreement or,
3. A voluntary relinquishment.

(d) The Applicable Child was eligible in prior adoption. The Department/CBC must determine if the Applicable Child was previously adopted and was eligible for Title IV-E adoption assistance in a prior adoption (or would have been found eligible had the Adoption and Safe Families Act of 1997 been in effect at the time of the previous adoption), and is available for adoption because the prior adoption has been dissolved or the child's adoptive parents have died. In such an instance, the child may retain eligibility for adoption assistance payments in a subsequent adoption. The Department/CBC only needs to determine that the child is still a child with special needs in order for the child to be eligible for adoption assistance.

(3) Additional Requirements for Applicable Child. All other eligibility requirements in paragraphs 5-8, 5-9, 5-10, 5-11, 5-12, 5-19 and 5-20 of this operating procedure apply to the Applicable Child. These include the citizenship, abuse registry and criminal background checks, AAA, non-recurring expenses of adoption, fair hearings, and medical insurance requirements.

5-7. Eligibility for Title IV-E Non-Applicable Child. A child who does not meet applicable child criteria is evaluated as a non-applicable child.

a. The Department/CBC must determine that the child cannot or should not be returned to the home of his or her parent(s). This determination can be based on evidence by:

- (1) An order from a court of competent jurisdiction that terminates parental rights; or,
- (2) The existence of a petition to the court for a termination of parental rights; or,
- (3) A signed relinquishment by the parent(s); or,
- (4) If a child can be adopted in accordance with Tribal law without a TPR or relinquishment, the requirement criteria will be met.

b. The Department/CBC must determine that a specific factor or condition exists which makes it reasonable to conclude that the child cannot be adopted without providing Title IV-E adoption assistance or Title XIX medical assistance. Evidence for this factor or condition includes a child who meets one of the following criteria:

- (1) Is 8 years of age or older; or,
- (2) Is developmentally delayed; or,
- (3) Has a physical, mental or emotional disability; or,
- (4) Is of black or racially mixed parentage (at least one parent is black); or,
- (5) Is a member of a sibling group of any age provided that two or more members of the group remain together for purposes of adoption; or,

(6) Is at risk of a medically diagnosed condition.

NOTE: The specific factor(s) that make the child difficult to place must be documented in the child's case file.

c. The Department/CBC (including private adoptions) must have evidence and document that a reasonable but unsuccessful effort to place the child without providing adoption assistance was made.

(1) The only exception to this requirement is when the prospective adoptive parent(s), is(are) a foster parent or relative caregiver to the child.

(2) The Department/CBC can meet the "reasonable effort to place the child without the provision of adoption assistance" requirement by using adoption exchanges, making referrals to appropriate specialized adoption agencies, or other similar activities.

Things to Remember

Although this is not an eligibility factor, the Department/CBC will not shop around for a family who will adopt without assistance while a child remains in foster care. Rather, once the agency has determined that placement with a certain family is in the child's best interest, the agency should make full disclosure about the child's background, as well as known or potential problems.

d. The Not Applicable Child with special needs must MEET ONE of the four eligibility requirements described in paragraphs (1), (2), (3) or (4) below at the initiation of adoption proceedings, but no later than prior to the finalization of adoption.

NOTE: Do not apply additional eligibility requirements that are not in federal regulation or statute.

(1) The child is eligible for SSI benefits.

(a) If a child is being determined eligible for Title IV-E adoption assistance through the SSI pathway, the child must be determined eligible for SSI by the Social Security Administration prior to the finalization of the adoption.

(b) Only a designated Social Security Administration claims representative can determine a child's SSI eligibility and provide the appropriate eligibility documentation to the Department/CBC for the child's file. Refer to paragraph [4-10](#) of this operating procedure regarding the local protocol with Social Security Administration.

(c) If the Social Security Administration final notice of eligibility is received after the finalization but determines that the child's SSI eligibility began prior to finalization, that is acceptable. However, in all cases, a Title IV-E AAA must be in place prior to the finalization of the adoption unless a fair hearing decision after finalization is favorable to the adoptive family.

(d) The adoption case manager must advise the adoptive family about the child's receipt of SSI and that it is their responsibility to contact the Social Security Administration when the adoption is finalized.

(2) The child is the child of a minor parent who received at least one Title IV-E maintenance payment while in foster care. A child is eligible for Title IV-E adoption assistance through this pathway if the minor parent's Title IV-E foster care maintenance payment also covered the child's cost of care while the child was with the minor parent in foster care.

(3) The child was eligible for Title IV-E adoption assistance in a previous adoption.

(a) The child will continue to be eligible for Title IV-E adoption assistance in a subsequent adoption if he or she was eligible for Title IV-E adoption assistance in a previous adoption and the adoptive parent(s) died, or the adoption dissolved as a result of a termination of parental rights. Evidence includes verification of Title IV-E adoption assistance payment, Notice of Eligibility for Title IV-E Adoption Assistance, etc.

(b) The Department/CBC must determine that the child continues to be a child with special needs and enter into a new Title IV-E AAA with the subsequent adoptive parent(s).

(c) Both the determination of special needs and a signed Title IV-E AAA must be completed prior to the finalization of the subsequent adoption.

(d) Current background checks and abuse registry checks must be completed.

Things to Remember

The Department/CBC must not "transfer" the child's payment to anyone after the adoptive parent(s) die or the adoption is dissolved.

Continued Title IV-E adoption assistance eligibility and payments are not authorized for a child placed with an individual who is not adopting the child, or in situations where the child is placed with a legal guardian.

(4) The child was eligible for AFDC at the time of the most recent removal. This determination is a part of the Title IV-E foster care eligibility determination and is system derived. See paragraph [4-7](#) of this operating procedure for more details.

NOTE: For permanent guardianship cases reinstated for the sole purpose of adoption by the permanent guardian, this determination is made in regard to the removal episode which resulted in permanent guardianship.

e. If a child was removed from his or her home pursuant to a Voluntary Placement Agreement (VPA), there must have been at least one Title IV-E foster care maintenance payment (consistent with section 472(a)(2)(B) and 473(a)(2)(A)(i)(I) of the Act) made on behalf of the child in order for the child to be eligible for Title IV-E adoption assistance. Therefore, in this situation – and only in this situation – the child must have been under the responsibility of the Department/CBC, or another public agency with which the Department has a Title IV-E Interagency Agreement for placement and care.

Things to Remember

For the purpose of Title IV-E adoption assistance eligibility, there is no specified amount of time that a child must have been in foster care under a VPA.

f. If a child's removal from his or her home is court-ordered, the first court order removing the child from the home must have a finding to the effect that remaining in the home would be CTW of the child's.

(1) For children removed from their homes before January 23, 2001, the CTW determination is allowed in any court order up to the time of the initiation of adoption proceedings.

(2) For children removed on or after January 23, 2001, the judicial determination must be made in the first court order that sanctions the child's removal from the home.

NOTE: A child committed to or under the responsibility for placement and care of a licensed private adoption agency or private attorney may be Title IV-E eligible.

g. A child who is relinquished to a public or a private, non-profit agency, or placed with a private, non-profit agency under a voluntary placement agreement, can be considered judicially removed under the following circumstance:

(1) The child is voluntarily relinquished either to the Department/CBC (or another public agency with which the Department has a Title IV-E Interagency Agreement), or voluntarily placed with a private, licensed non-profit agency; and,

(2) There is a petition to the court to remove the child from his or her home within six months of the time the child lived with the specified relative from whom he or she was relinquished or voluntarily removed; and,

(3) There is a subsequent judicial determination to the effect that remaining in the home would be CTW of the child; and,

(4) The child met AFDC criteria.

5-8. Additional Eligibility Requirements for Title IV-E, TANF, and State Funded Maintenance Adoption Subsidy. The following requirements apply for both the applicable and non-applicable child.

a. Citizenship and Immigration Status. The CBC must also verify that the Applicable or Not Applicable child with special needs meets required citizenship or immigration status.

(1) In order to receive Title IV-E, TANF, or state funded maintenance adoption subsidy, the child must be a United States citizen or a qualified non-citizen. The definition of qualified non-citizens includes, but is not limited to, permanent residents, asylees, and refugees (see the U.S. Citizenship and Immigration Service website at www.uscis.gov/portal/site/uscis for more details).

(2) Children who are illegal non-citizens or undocumented immigrants are not eligible for adoption assistance.

(3) In addition, section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires qualified non-citizens entering the United States on or after August 22, 1996, to live in the United States for five years before becoming eligible for certain federal public benefits.

(4) However, federal payments for adoption assistance are excluded from this five-year residency requirement if the child and the adoptive parent(s) with whom he or she is placed are qualified non-citizens. Accordingly, if an adoptive parent is not a qualified non-citizen, a child who is otherwise eligible must meet the five-year residency requirement to receive Title IV-E, TANF, or state funded adoption assistance.

(5) Special needs children who are not U.S. citizens or qualified non-citizens and were either adopted in another country or brought to the U.S. for adoption are ineligible for Title IV-E, TANF, or state funded adoption assistance, except when the child meets the Title IV-E eligibility criteria after the dissolution of the international adoption.

b. Abuse Registry and Criminal Background Checks. The Department/CBC must determine that prospective adoptive parent(s) of the child meet background check requirements.

(1) The Department/CBC must conduct background checks of prospective adoptive parent(s).

(2) The Department/CBC must secure a fingerprint-based check of the National Crime Information Center in addition to state and local criminal history record checks for prospective adoptive parent(s).

(3) The Department/CBC must also conduct a check of the state-maintained child abuse and neglect registries in all states in which the prospective adoptive parent(s) and all other adults living in the adoptive home have resided in the last five years

(4) The Department/CBC will not claim federal financial participation for Title IV-E adoption assistance if the criminal record checks reveal that a prospective adoptive parent has a felony conviction for child abuse or neglect; spousal abuse; a crime against children (including child pornography); or for a crime involving violence (including rape, sexual assault, or homicide, but not including other assault and battery). Furthermore, neither federal nor state funds may be used to pay adoption assistance in this situation. (See section [39.0138\(2\)](#), F.S.)

(5) The Department/CBC will not claim federal financial participation for Title IV-E adoption assistance if the prospective adoptive parent has been convicted of the following felonies within the past five years: physical assault; battery; or a drug-related offense. Furthermore, neither federal nor state funds may be used to pay adoption assistance in this situation.

c. Fully Executed Adoption Assistance Agreement. The Department/CBC must enter into an AAA with the prospective adoptive parent(s) and begin paying Title IV-E, TANF, or state funded adoption assistance on behalf of a Title IV-E, TANF, or state funded eligible child at the time of adoptive placement, but no later than prior to the finalization of the adoption.

(1) The only exception is when the adoptive parent(s) have obtained favorable fair hearing decisions after finalization. A favorable fair hearing decision after the finalization of the adoption may allow the Department/CBC to determine that a child met all the eligibility criteria prior to finalization.

(2) The AAA must be completed and saved in FSFN. All elements must be filled in prior to execution of the agreement. The agreement must be signed by the adoptive parent(s) and a Department/CBC representative. All signed agreements must be uploaded into FSFN under the Image Category of Adoption and Image Type of Adoption Assistance Agreement in the out-of-home and post-adoption cases.

(3) The amount of the subsidy may be adjusted to the maximum allowable payment for the child based on his or her changing needs and the circumstances of the adoptive parent(s). The Department/CBC must obtain the concurrence of the adoptive parent(s) if it wishes to make any changes in the payment amount, with one exception. That exception is when there is an across-the-board statewide reduction or increase in the foster care maintenance payment rate. In that circumstance, the state may adjust the adoption assistance payment without the adoptive parent's concurrence. All other adjustments must be made with the concurrence of the adoptive parent(s).

5-9. Making a Decision to Terminate or Continue Title IV-E, TANF, or State Funded Adoption Assistance.

a. Title IV-E, TANF, or state funded adoption assistance payment must be terminated if the state determines that:

(1) The adoptive parents are no longer legally responsible for the support of the child. A parent is considered no longer legally responsible for the support of a child when parental rights have been terminated or when the child becomes an emancipated minor, marries, or enlists in the military; or,

(2) The child is no longer receiving any support from the adoptive parents. "Any support" includes various forms of financial support. The Department/CBC may determine that payments for family therapy, tuition, clothing, maintenance of special equipment in the home, or services for the child's special needs are acceptable forms of financial support. If the parent(s) are visiting the child while the child is in out-of-home care, paying child support, or maintaining the home for the child's return and the child's case plan goal is reunification, the parents should be considered as providing support to the child. Consequently, the Department/CBC must continue the Title IV-E adoption assistance if it determines that the parent(s) are, in fact, providing some form of financial support; or,

(3) The child has turned age 18. The payment continues through the month of the child's 18th birthday, unless the child's date of birth is the first day of the month.

b. The conditions listed in paragraph 5-9a above are the only basis in the Social Security Act for terminating adoption assistance payments on behalf of a child unless termination is requested or agreed to by the adoptive parents. There is nothing to prevent the Department/CBC from requesting or the court from ordering the adoptive parent(s) to contribute toward the cost of the child's care in the same manner as any other parent(s) of a child in an out-of-home care situation.

5-10. Fair Hearings for Denials of Title IV-E, TANF, or State Funded Adoption Assistance.

a. The Department/CBC must provide an opportunity for a fair hearing to any individual whose claim for assistance is denied or not acted upon with reasonable promptness.

b. The fair hearing process must be conducted by an impartial official(s) or designee of the Department. The hearing official or designee cannot have been directly involved in the initial or previous determination of the action in question. A fair hearing opportunity applies to a denial, suspension, reduction, discontinuance, or termination of assistance.

c. Some allegations that constitute grounds for a fair hearing under the Title IV-E, TANF, or state funded adoption assistance program include, but are not limited to:

(1) Relevant facts regarding the child were known by the Department/CBC or child-placing agency and not presented to the adoptive parent(s) prior to the finalization of the adoption;

(2) Denial of assistance based upon a means test of the adoptive parent(s);

(3) Adoptive parent(s) disagree with the determination by the Department/CBC that a child is ineligible for Title IV-E, TANF, or state funded adoption assistance;

(4) Failure by the Department/CBC to advise potential adoptive parent(s) about the availability of adoption assistance for children in the state foster care system;

(5) Decrease in the amount of adoption assistance without the concurrence of the adoptive parent(s);

(6) Denial of a request for a change in payment amount due to a change in the adoptive parent(s) circumstances or increased needs of the child; or,

(7) Failure of the Department/CBC to complete the required paperwork prior to the finalization of the adoption.

d. The Department/CBC is required to inform prospective adoptive parent(s) in writing at the time of the application, and at the time of any action affecting their claim, of the right to a fair hearing; the method by which they may obtain a hearing; and that they may be represented by an authorized representative, such as legal counsel, relative, friend, other spokesperson, or may represent themselves.

e. The right to a fair hearing is a procedural protection that provides due process for individuals who claim that they have been wrongly denied benefits. This procedural protection, however, cannot confer Title IV-E, TANF, or state funded benefits without legal support or basis. Accordingly, Federal Financial Participation (FFP) is available only in those situations in which a fair hearing determines that the child was wrongly denied benefits and the child meets all federal eligibility requirements. Thus, if a fair hearing officer decides that a child should have received adoption assistance, but, in fact, the child does not meet all the federal eligibility criteria, the Department/CBC cannot claim FFP under Title IV-E for the child.

f. Prospective adoptive parents must be informed of the availability of adoption assistance on behalf of special needs children. In order to receive Title IV-E, TANF, or state funded adoption assistance, the AAA must be fully executed prior to the finalization of the adoption. When the request for Title IV-E, TANF, or state funded adoption assistance is made after the adoption has been finalized, the request must be denied and the family must be informed of their right to a fair hearing. If the adoptive parents feel they have been wrongly denied benefits on behalf of an adoptive child, they must request a fair hearing within 90 days of notification of the denial.

g. If the fair hearing officer determines that benefits have been wrongfully denied under the Title IV-E, TANF, or state funded adoption assistance program, the effective date of the Title IV-E, TANF, or state funded adoption assistance must not be earlier than the date the family requested assistance. For cases in which there is no signed and dated AAA, a new AAA must be launched in FSN, completed, signed and dated with the current date. Case notes must reflect the hearing decision and the intention to revert to the date the benefits were requested and to have the agreement effective as of the benefit request date.

h. There are times when the Department/CBC and the adoptive parents are in agreement that a Title IV-E, TANF, or state funded adoption subsidy should have been paid. Federal regulations require that the undisputed documentary evidence must be presented to the fair hearing officer for review, and a final written determination made by the hearing officer. The effective date of the Title IV-E, TANF, or state funded adoption assistance must not be earlier than the date the family requested assistance.

i. In situations where the final fair hearing decision is favorable to the adoptive parent(s), the Department/CBC can reverse the earlier decision to deny benefits under Title IV-E, TANF, or state funds. If the child meets all the eligibility criteria, the Department/CBC may enter into a Title IV-E, TANF, or state funded AAA with the adoptive parent(s) beginning with the earliest date of the child's eligibility (e.g., the date of the child's placement in the adoptive home, the date of the request, or the date of finalization of the adoption) in accordance with federal and state statutes, regulations and policies.

5-11. Disallowance of Title IV-E, TANF, or State Funded Adoption Assistance for Children Who Are Adopted by Biological Parents Whose Parental Rights Have Been Terminated.

a. Children who are adopted by their biological parent(s) are not eligible for Title IV-E, TANF, or state funded adoption assistance in that they do not meet all of the special needs criteria. A special needs child is one who cannot or should not return to the home of his or her parents. While a child may meet the eligibility criteria for Title IV-E, TANF, or state funded adoption assistance with the termination of parental rights order documenting that the child cannot or should not return to the parents, the placement of the child back into the home of the biological parent(s) nullifies such a determination. Thus, a determining factor for Title IV-E, TANF, or state funded eligibility would not be present and Title IV-E, TANF, or state funded adoption assistance would not be available.

b. While Title IV-E, TANF, or state funded adoption assistance is not available, temporary cash assistance may be an appropriate form of assistance for a family in this situation. Temporary cash assistance is available whether or not the biological parent adopted the child. Although the legal relationship was severed by termination of parental rights, the child's blood relationship to his or her family does not terminate.

5-12. Concurrent Payments of Title IV-E, TANF, or State Funded Adoption Assistance, and Supplemental Security Income (SSI).

a. The adoptive parents of a disabled child may apply for both Title IV-E adoption assistance and SSI on behalf of the child and, if eligible, receive both forms of assistance after finalization of the adoption.

b. Title IV-E eligibility must be determined prior to the signing of the initial AAA and documented on the initial assistance agreement. The following steps must be taken when a child is Title IV-E eligible and receiving SSI:

(1) For a child who is receiving SSI at the time of placement in the adoptive home, and prior to the adoption finalization, the CBC continues to be the payee for the child's SSI benefit. The maintenance adoption subsidy shall be paid from state funds and shall be offset by/deducted from the child's SSI benefit, as this is considered the child's cost of care. The SSI benefits in excess of the maintenance adoption subsidy/cost of care must be deposited into the child's trust fund account (see CFOP [175-59](#)).

(2) The initial AAA must be notated "Title IV-E" even though the adoption assistance expenditure will be paid out of non-Title IV-E funds until finalization. This is necessary to ensure that the Department does not collect revenue from both federal programs.

(3) At finalization, the adoptive parents must be advised to contact the local Social Security Administration office and apply to be the designated representative payee of the SSI benefit for their child and to inform the Social Security Administration of the maintenance adoption subsidy payments made on behalf of the child. The Social Security Administration will consider the adoptive parents' income as part of the eligibility criteria for the child's continued SSI eligibility. If the Social Security Administration determines the child to be SSI eligible based on the child's continued disability and the income of the adoptive parents, then the Social Security Administration will deduct the amount of the Title IV-E adoption assistance payment from the SSI benefit amount. The difference will be the amount of the SSI benefit for the child to be paid to the adoptive parents.

Table 5-2: Example of SSI Benefits Deduction for a Title IV-E Eligible Child

Amount	Program	Department/CBC Action
\$545.00	SSI	Receive
<u>-\$417.00</u>	IV-E adoption assistance payment	Deduct
\$128.00	SSI	Benefit for the child

(4) At finalization of the adoption, the subsidy payments will be changed to Title IV-E in FSFN.

(5) At finalization of the adoption, the court’s direction should be sought regarding the money held in the child’s trust fund account. Also see CFOP [175-59](#), Master Trust for Benefit of Family Safety Program Clients for more details.

(6) The child’s adoption counselor must explain to the adoptive family how Title IV-E and SSI work together so that the family can make an informed decision regarding receipt of one or both funding sources. If the adoptive parents decline Title IV-E adoption assistance and choose only to receive SSI, an initial AAA shall still be completed, specifying \$0 in the Title IV-E subsidy section. This must be done in order to preserve Title IV-E eligibility should the adoptive parents later need assistance. The AAA must also be in place for the reimbursement of non-recurring adoption expenses.

5-13. TANF Funded Maintenance Adoption Subsidy (MAS). TANF funded Maintenance Adoption Subsidy (MAS) provides maintenance adoption subsidy to special needs children residing in Florida who have been determined ineligible for Title IV-E adoption assistance, and whose income is below 200% of the FPL.

a. An eligibility determination for TANF MAS funds must be completed for all special needs children who have been determined ineligible for Title IV-E adoption assistance. To be eligible for TANF funded MAS, the child must meet the following requirements.

- (1) Determined ineligible for Title IV-E maintenance adoption subsidy;
- (2) Not reached his or her 18th birthday;
- (3) Never been emancipated;
- (4) Resides in Florida;
- (5) Is a U.S. citizen or a qualified non-citizen;
- (6) Determined to be a child with special needs pursuant to section [409.166\(2\)\(a\)](#), F.S.;
- (7) Has gross income below 200% of the current FPL; and,
- (8) Is living with a specified relative (adoption finalization establishes a specified relative relationship between the child and his or her adoptive parents).

b. Initial Eligibility Determination for TANF MAS.

(1) An initial eligibility determination for TANF MAS funds must be initiated prior to adoption finalization and approved in FSFN within ten calendar days from the AAA effective date.

(2) When the child is determined ineligible for Title IV-E Adoption Assistance:

(a) The child welfare staff will review and validate information in the eligibility module on the FSFN adoption page.

(b) The supervisor or designee will review the application information for accuracy and completeness and determine the child's eligibility for TANF MAS in FSFN.

(c) The supervisor or designee approving the child's eligibility cannot be the same person who initiated the application.

(3) If a specified relative is the prospective adoptive parent and remaining TANF criteria are met, the MAS may be paid from TANF beginning the date of adoptive placement. The date of adoptive placement is the effective date on the AAA. The AAA, signed by all parties, shall indicate the subsidy type of TANF.

(4) For non-relative adoptions, the procedures outlined below must be followed:

(a) From adoption placement to finalization, the MAS must be paid with state funds. FSFN will determine the TANF MAS ineligible due to relationship not being established. The AAA, signed by all parties, shall indicate the subsidy type of Non IV-E.

(b) At finalization (when final decree of adoption is entered in FSFN), if all TANF eligibility criteria will be met, an Adoption TANF will be created in the post adoption case.

(c) If there is a change in eligibility, an updated AAA must be completed and signed by the adoptive parents and Department designee indicating a subsidy type of TANF. The AAA must be updated in FSFN. The effective date is the date of adoption finalization.

c. For Adoption TANF eligible children, continued eligibility must be redetermined every 12 months.

(1) The five eligibility factors specific to the child to be considered at the annual redetermination are:

(a) Under age 18;

(b) Not emancipated;

(c) Gross income below 200% of the FPL;

(d) Resides in Florida; and,

(e) Resides with a specified relative.

(2) Only questions applicable to the redetermination will be enabled in FSFN. Information will be system derived (pre-populated) and is user modifiable.

(3) FSFN will generate an Eligibility Redetermination Due Report 60 days prior to the eligibility expiration date. Child welfare staff must:

(a) Print the TANF Adoption Eligibility Redetermination Worksheet.

(b) Send the TANF Adoption Eligibility Redetermination Worksheet to the adoptive parents 60 days prior to the expiration date.

(c) If not returned, resend at 30 days from the expiration date.

(d) If still no response, the post adoption case manager or designee will call the parents to obtain the information. This conversation and information must be entered in case notes in FSFN.

(4) When information is received, process the eligibility redetermination in FSFN prior to the expiration of the existing TANF eligibility.

(a) If the eligibility determination remains the same, make no changes to the AAA.

(b) If the eligibility determination changes based on the redetermination, the change in subsidy type must be made to the FSFN AAA and a signed AAA Update must be executed with an effective date that represents the date in which the change occurred or date notification was received if the date the change occurred is unknown.

NOTE: An updated AAA is not generated when there is a change in fund source from TANF to state funds due to the family failing to correspond with the Department.

(c) If the eligibility period has expired and the information was not received, process the eligibility redetermination within five calendar days utilizing the "No Response Received" check box in FSFN. The child is ineligible for TANF MAS. Child welfare staff will confirm that the system updates the eligibility and code to state funds.

(d) If the TANF Adoption Eligibility Redetermination Worksheet is received after the expiration date, a TANF MAS redetermination is completed.

d. The child's subsidy record must include the following:

(1) Documentation of child's ineligibility for Title IV-E.

(2) Final Decree of Adoption.

(3) Documentation of the child's citizenship status. (For children who are U.S. citizens, the child's birth certificate and/or Declaration of Citizenship are sufficient documentation.)

(4) Reported changes that affect eligibility status.

e. Events Requiring Review of Continued Eligibility.

(1) A child's continued eligibility for TANF MAS must also be reviewed when one of the changes listed below occurs.

(a) Child becomes emancipated;

(b) Child reaches 18th birthday;

(c) Parents no longer legally responsible for the support of the child (e.g., parent's rights terminated, or child enlists in the military);

(d) Family no longer resides in Florida; or,

(e) Child's income changes and becomes greater than or equal to 200% of FPL.

(2) The reported change must be documented in the child's FSFN case record and acted upon as appropriate.

(a) If the reported change(s) result in the child no longer being TANF eligible (such as income is at or more than 200% of FPL, or child and family no longer resides in Florida), the TANF eligibility determination must be completed in FSFN to reflect Ineligible.

(b) If the reported event results in a change in the subsidy type, an updated AAA must be completed in FSFN and signed by all parties. The effective date shall reflect the date in which the event impacted the eligibility determination.

(c) If the reported change(s) results in the child being no longer eligible for MAS from any source (such as child reaching 18th birthday, emancipation, or parent no longer legally or financially responsible for child), the MAS must cease.

5-14. State Funded Adoption Assistance.

a. The state of Florida makes adoption assistance available to prospective adoptive parents who plan to adopt special needs children in the state's foster care system (section [409.166](#), F.S.). The assistance includes, among other things, a maintenance subsidy, medical assistance, Medicaid, reimbursement for non-recurring expenses associated with the legal adoption, and a tuition exemption at a postsecondary career program, community college, or state university.

b. The state funded adoption assistance is granted only when it is determined that the child is ineligible for both Title IV-E and TANF MAS funding.

c. The eligibility fund source defaults to state funds when the special needs child is ineligible for Title IV-E and TANF.

d. Each child must meet the following three requirements for maintenance adoption subsidy:

(1) The child must have been permanently committed to the Department or a licensed child-placing agency. A child who is voluntarily relinquished to an attorney may be eligible if the child is determined to meet one of the primary factors for special needs and was determined eligible for SSI prior to finalization or received maintenance adoption subsidy in an initial adoption and this is a subsequent adoption.

(2) The child has a significant emotional attachment to the foster parent (this should seldom be the only primary factor) or has one or more of the primary factors: is 8 years of age or older, is of black or racially mixed heritage (at least one parent is black), is a member of a sibling group being placed together for adoption, has a physical or mental health concern, or has a documented developmental delay.

(3) With the exception of foster parent and relative caregiver adoptions, there must be documentation of a reasonable but unsuccessful effort to place the child without subsidy.

5-15. Disruption/Dissolution of Placement in the Adoptive Parents' Home.

a. Disruption. When the adoptive placement has not been legally finalized through the court, and therefore the child remains in the latest removal episode, the same factors considered at the time of the child's latest removal shall again be considered.

(1) If, at the time of the most recent removal, the child was Title IV-E foster care eligible, the child shall again be Title IV-E eligible. FSFN must be updated to reflect the child's current

placement status. Revenue maximization staff reviews and saves the updated information as needed. The CIC specialist is automatically notified of the child's placement status and of any other changes in the child's circumstances.

(2) If the child was not eligible at the point of his or her latest removal from home, the child shall again be non-Title IV-E eligible. FSN must be updated to reflect the child's current placement status. Revenue maximization staff reviews and saves the updated information as needed. The CIC specialist is automatically notified of the child's placement status and of any other changes in the child's circumstances.

b. Dissolution. When a child enters foster care from a finalized adoption, the child's eligibility for Title IV-E foster care is based on the child's removal from the home of the adoptive parent(s). See Chapter 4, Title IV-E Foster Care, of this operating procedure for more details.

5-16. Inter-Jurisdictional Barriers. The Adoption and Safe Families Act (ASFA) prohibits delays or denials of adoptive placements across county or state jurisdictions. Any delays or denials will incur penalties in Title IV-E funding to the state. This applies not only to the Department but to public and private agencies as well.

5-17. Responsibilities of the Department and Other States' Agencies in Interstate Adoptions. If a state Title IV-E agency has responsibility for placement and care of a child, that state is responsible for entering into the AAA and paying the Title IV-E adoption subsidy for the child. However, if the child is not under the placement and care responsibility of the state Title IV-E agency, the child welfare agency in the adoptive parents' state of residence is responsible for determining whether the child meets the definition of special needs, entering into the AAA, and paying the subsidy. This is consistent with the way other public benefits are paid.

5-18. International Adoptions.

a. The Social Security Act, as amended, prohibits payment of adoption assistance and of non-recurring expenses on behalf of an Applicable Child who is not a citizen of the United States or a qualified non-citizen and was either adopted outside the U.S. or brought to the U.S. for the purpose of being adopted.

b. The Federal adoption assistance program under Title IV, part E of the Social Security Act, was intended to provide permanency for children with special needs in public foster care by assisting states in providing ongoing financial and medical assistance to the families who adopt them. As a result, the statutory requirements for Title IV-E adoption assistance eligibility are designed for needy children in public child welfare systems and are difficult, if not impossible, to apply to children who are adopted from abroad. Therefore, although the statute does not categorically exclude these children from participation in the Title IV-E adoption assistance program, it is highly improbable that children who are adopted abroad by U.S. citizens, or who are brought into the U.S. from another country for the purpose of adoption, will meet the Title IV-E adoption assistance eligibility requirements provided in Title IV, part E of the Social Security Act.

(1) Although it is highly improbable that a child adopted through an international adoption will meet the Title IV-E adoption assistance requirements, the Department/CBC shall not categorically exclude him or her from consideration. The Social Security Act does not authorize such exclusion.

(2) The Department/CBC will reimburse the non-recurring expenses of adoption on behalf of a child adopted through international adoption if it is determined that the child meets the three-part eligibility criteria for special needs provided in federal statute and regulations. Accordingly, the

Department/CBC and the adoptive parent(s) must enter into an AAA prior to the finalization of the adoption.

5-19. Non-Recurring Expenses of Adoption.

a. Non-recurring expenses of adoption are reasonable and necessary costs which are directly related to the legal adoption of a child with special needs, which are not incurred in violation of state or federal law, and which have not been reimbursed from other sources or funds. Examples of these are adoption fees, court costs, attorney fees and other expenses.

b. "Other expenses" are the costs of the adoption incurred by or on behalf of the parent(s) and for which the parent(s) carry the ultimate liability for payment. Such costs may include, but are not limited to, expenses for an adoption home study, health and psychological examinations, supervision of the placement prior to the adoption, and reasonable costs of transportation, lodging, and food when necessary to complete the placement or the adoption process.

c. A child does not have to meet the Title IV-E adoption assistance eligibility requirements in order for the adoptive parent(s) to be reimbursed for their non-recurring adoption expenses, nor be under the responsibility of the Department/CBC for care and placement. Non-recurring expenses for the adoption of children in the custody of private adoption agencies are also reimbursable if the child meets the special needs requirement. There shall be no income eligibility requirement for adoptive parents in determining whether payments for non-recurring expenses will be made.

d. When the adoption involves an interstate placement, the state entering into the AAA with the prospective adoptive parent(s) is responsible for paying the non-recurring adoption expenses. If no federal or state AAA exists, the state in which the final adoption decree is issued is responsible for reimbursing the non-recurring adoption expenses if the child is determined to be a child with special needs.

e. The non-recurring expenses of adoption may be reimbursed on behalf of a child in an adoptive placement regardless of whether the adoption is finalized, so long as the Department/CBC has determined that the child is a child with special needs *and* there is a Title IV-E agreement for the non-recurring expenses of adoption between the adoptive parent(s) and the Department/CBC.

f. Although the AAA must be signed and in effect prior to the finalization of the adoption, Federal Financial Participation is available for claims for reimbursement that are made for up to two years from the date of the finalization of the adoption.

g. In order for the Department/CBC to pay non-recurring adoption expenses, the following criteria must be met:

(1) The child must meet the three-part special needs requirements. (See paragraph 5-6b(1) of this operating procedure.)

(2) An initial AAA must be fully executed.

(3) The initial AAA must specifically indicate the nature and estimated amount of the non-recurring expenses to be paid.

(4) The adoptive parents must provide the Department or lead agency with receipts or requests for payment from service providers. The adoptive parents shall be advised by the adoption case manager to hold such receipts until all are received so that a one-time payment covering all expenses can be made.

(5) Payments for non-recurring expenses may be made up to two years following finalization. However, every effort must be made to submit the required receipts for reimbursement within three months after the adoption finalization. These funds are intended for activities that occur prior to adoption finalization and are not meant for post-adoption supports, regardless of when the payments are made.

h. The maximum payment allowable for reimbursement of non-recurring expenses is limited to \$1,000 per child. Whether siblings are adopted, separately or together, each child is treated as an individual.

5-20. Adoption Assistance Medicaid. All children who are determined eligible for maintenance adoption subsidy are also eligible for Adoption Assistance Medicaid. The CIC specialist is responsible for making the necessary changes when a child changes from Foster Care Medicaid to Adoption Assistance Medicaid and any further changes after the adoption finalization. Child welfare staff must record changes in FSFN within two business days. The adoption case manager (prior to finalization) and the post adoption services case manager (after finalization) are responsible for communicating with the CIC when the child's Medicaid needs to be updated.

a. Adoption Assistance Medicaid Coverage for Title IV-E Eligible Children.

(1) Any child who is eligible for Title IV-E adoption subsidy under an AAA is categorically eligible to receive Title XIX Medicaid in his or her state of residence consistent with the terms of the state's Title XIX plan.

(2) A child who has been determined eligible for Title IV-E adoption subsidy is also eligible for adoption assistance Medicaid coverage without regard to the family income. Medicaid benefits become available at the point the AAA is signed and the child is placed in the adoptive home. FSFN automatically transmits the eligibility information to the CIC for processing the Medicaid.

(3) When a child is receiving adoption assistance funded with Title IV-E dollars, and therefore is eligible for Medicaid under Title IV-E, the adoptive parents shall be advised that Medicaid service providers must be used when such are available in the family's community.

(4) Title IV-E eligibility and Medicaid allows the child to receive adoption assistance Medicaid coverage anywhere in the United States. In this situation, Florida will continue to pay the adoption subsidy; however, Medicaid coverage will be terminated in Florida and started in the child's new state of residence.

(5) When a Title IV-E eligible child moves out of Florida, the child welfare staff must assist the parents in obtaining adoption assistance Medicaid in the new state. This involves following procedures established in support of ICAMA as per section [409.401](#), F.S. The child welfare staff complete the appropriate documentation and process as instructed by the OCFW, ICAMA unit.

b. Adoption Assistance Medicaid Coverage for a Child Not Title IV-E Eligible.

(1) Any child who is eligible for TANF or state funded adoption subsidy under an AAA is eligible to receive Title XIX Medicaid in his or her state of residence.

(2) If a child is not Title IV-E eligible and moves to another state, the parents, with the assistance of child welfare staff, must contact the new state to ascertain whether that state will provide Medicaid services to the child via the ICAMA. If not, the child's Florida Medicaid will continue. The parent must locate a physician that will accept Florida Medicaid in the child's new state of residence. The physician must request and be approved as a Florida Medicaid provider, and then submit an invoice to Florida for payment. The parent must be advised and encouraged to obtain information and

documentation necessary to process the medical claims consistent with the terms of the state's Title XIX plan. In order to prevent premature Medicaid closure, the CIC must be notified when a child is residing in another state and *is retaining* Florida Medicaid coverage.

c. A child's Medicaid eligibility must be re-determined every 12 months. As long as the child has an AAA in effect, he or she will remain eligible for Medicaid, without regard to family income. The CIC specialist will complete the annual Medicaid eligibility review and forward a Notice of Case Action to be scanned into the child's case record, and the eligibility will be updated in FSFN on the Medicaid page.

NOTE: If the AAA is terminated prior to the child's 18th birthday, FSFN automatically transmits the change to FLORIDA.

Things to Remember

The revenue maximization staff will:

- Review and validate the information in the eligibility and/or Medicaid module for accuracy; and,
- Save the information in FSFN for Medicaid application.

FSFN will electronically transmit eligibility information to FLORIDA twice daily.

The CIC specialist will determine Medicaid eligibility.

The Medicaid results will appear on the Medicaid page in FSFN.

The Medicaid card (gold card) will be sent to the notification address.

Title IV-E Maintenance Adoption Assistance Checklist for Applicable Child

All relevant documents listed below must be in the child's subsidy record.

1. Legal

- 1.1 Involuntary Removal:**
- 1.1.1 Shelter petition. Date: _____
- 1.1.2 Removal/shelter order. Date: _____
- 1.2 Voluntary Removal**
- 1.2.1. Voluntary Placement Agreement (VPA). Date: _____
- 1.3. Voluntary Surrenders**
- 1.3.1. Petition for contrary to the child's welfare. Date: _____
- 1.3.2. Subsequent court order with contrary to the child's welfare judicial determination. Date: _____
- 1.4. Termination of Parental Rights (TPR)**
- 1.4.1. TPR petition. Date: _____
- 1.4.2. TPR order on all parents. Date: _____
- 1.5. Adoption finalization**
- 1.5.1. Petition for adoption finalization. Date: _____
- 1.5.2. Final judgment of adoption order (for finalized adoptions). Date: _____

2. Applicable Child

- 2.1 Age.
- 2.2 60 consecutive months in foster care.
- 2.3 Sibling of an Applicable Child placed together for adoption.

3. Special Needs Factors

- 3.1 Medical or disability requirements for SSI.
- 3.2 Child cannot return home (may be same as 1.4.2. TPR order).
- 3.3 Hard to place condition or factor (see Child Study).
- 3.4 Reasonable effort to place without subsidy.

4. Eligibility Path

- 4.1. SSI-Related Documentation (if eligibility based on receipt of SSI by child)**
- 4.1.1. Medical or disability requirements for SSI.
- 4.2. Prior Title IV-E Adoption Assistance Eligibility**
- 4.2.1. Documentation of child's previous eligibility for Title IV-E Adoption Assistance.
- 4.2.2. Child continues to be a child with special needs (same as 3. Special Needs Factors).
- 4.3. Child of a minor parent who was in foster care with the parent**
- 4.3.1. Parent's involuntary removal court order with a contrary to the child's welfare judicial determination. Date: _____
- 4.3.2. Parent's voluntary placement agreement. Date: _____
- 4.3.3. Parent's voluntary relinquishment (includes subsequent court order with contrary to the child's welfare judicial determination).
- 4.4. Child in the care of a public agency, licensed private agency or Indian Tribal Organization.**
- 4.4.1. Child's involuntary removal court order with a contrary to the child's welfare judicial determination (same as 1.1.2. above).
- 4.4.2. Child's voluntary placement agreement (same as 1.2.1. above).
- 4.4.3. Child's voluntary relinquishment (includes subsequent court order with contrary to the child's welfare judicial determination).

5. Citizenship

- 5.1. Documentation of citizenship or qualified non-citizen (Birth Certificate, Declaration of Citizenship, immigration visas, etc.).

6. Backgrounds Checks

- 6.1. National/federal criminal background checks clearance and date completed: _____
- 6.2. State criminal background checks clearance and date completed: _____
- 6.3. Local criminal background checks clearance and date completed: _____
- 6.4. Florida Abuse Hotline abuse and neglect checks clearance and date completed: _____
- 6.5. Adam Walsh Abuse Registry checks from other states for household members who have lived in another state during the previous five years on or after 10-1-2006 – and date completed: _____

7. Adoption Assistance Agreement

- 7.1. CF-FSP 5079 **Initial and Subsequent Adoption Assistance Agreements** - (meets all requirements: signed and dated by all parties prior to Title IV-E payments and prior to adoption finalization, with child's name, type and amount of subsidy, and amount and nature of other payments including non-recurring benefit and medical subsidy, as appropriate).
- 7.2. Amount of adoption assistance does not exceed actual foster care board rate including supplemental such as medical without documented approval by the Secretary of the Department.

8. Non-recurring Expenses

- 8.1. Completed Adoption Subsidy Title IV-E Eligibility/Screening Worksheet.
- 8.2. Notice of Case Action indicating that the child is eligible or ineligible for Title IV-E maintenance adoption assistance.

Title IV-E Maintenance Adoption Assistance Checklist for Not Applicable Child

All documents are required, unless otherwise indicated, and must be in subsidy files.

Generic Documentation – pertinent to all subsidy files

- Dependency PDS and JRSSR (optional - may contain information pertinent to eligibility determination)
- TPR Petition (optional - may contain information pertinent to eligibility determination)
- TPR Order on all parents
- Completed Adoption Subsidy Title IV-E Eligibility/Screening Worksheet
- CF-FSP 5079 **Initial** Adoption Assistance Agreement - (meets all requirements: signed and dated by all parties prior to Title IV-E payments **and** prior to adoption finalization, with child's name, type and amount of subsidy, and amount and nature of other payments including non-recurring benefit and medical subsidy)
- Amount of adoption assistance does not exceed actual foster care board rate including supplemental(s) such as medical without documented approval by the Secretary of the Department.
- Efforts to place without subsidy: _____
- Child's "special needs" criteria/factors: _____
- Documentation of Citizenship Status (Birth Certificate, Declaration of Citizenship, immigration visas, etc.): _____
- Petition for Adoption finalization (Date of Petition: _____)
- Final Judgment of Adoption Order (for finalized adoptions)

Documentation of Criminal Background Screenings (for adoptive placements on and after 10-1-98):

- National/federal (Results and Date results received: _____)
- State (Results and Date results received: _____)
- Local (Results and Date results received: _____)
- Florida Abuse Registry checks for all adoptive placements (Results and Date results received: _____)
- Abuse Registry (Adam Walsh) checks in all other relevant states for adoptive placements on and after 10-1-2006 for all household members who have lived in another state during the previous five years (Results and Date results received: _____)

SSI-Related Documentation (if eligibility based on receipt of SSI by child)

- Award letter from the Social Security Administration (Eligibility for SSI must be determined prior to adoption petition finalization)

Prior Eligibility for Title IV-E Adoption Assistance (Applies to children adopted after 10-1-97)

- Child continues to be a child with special needs
- Documentation of child's previous eligibility for Title IV-E Adoption Assistance
- Date of Prior Adoption: _____
- List Documentation: _____

AFDC-Related Documentation

- Copy of Child in Care Medicaid and Title IV-E Application (completed CF-ES 2626A form and supporting documentation)
- Notice of Case Action from Child in Care stating AFDC/IV-E eligible at the time of the most recent removal (Date of Removal: _____)

Judicial Removal:

- Shelter Petition (Optional, unless the information in petition documents "removal home" eligibility criteria)
- Shelter/Removal Order – must contain "contrary to the welfare" language

Voluntary Removal (Temporary, licensed out-of-home/foster care placement):

- Voluntary Placement Agreement (Date signed: _____)

Voluntary Surrenders

- Voluntary Surrenders (Date signed: _____)
- Petition to the court to remove the child from the home within 6 months of the time the child lived with a specified relative. (Date of Petition: _____)
- Subsequent court order indicating that remaining in the home was contrary to the child's welfare. (Date of Court Order: _____). Title IV-E requirements are not met until the court order is executed.

